

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:12CR472 RWS
)	
MICHAEL SMITH, et al.,)	
)	
Defendants.)	

ORDER

The above matter is referred to the undersigned pursuant to 28 U.S.C. § 636(b) for pretrial matters. On April 8, 2013, Defendant Smith filed a motion for competency evaluation. Based on Defendant's motion, the undersigned found that the Defendant may be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and granted the Defendant's motion for a mental health evaluation to be done locally by an expert of Defendant's choosing. Further, on June 12, 2013, the Defendant filed a motion for extension of time to complete the evaluation which the undersigned granted, in the interest of justice, and extended the deadline for a period of thirty (30) days. After review of the file, the undersigned noted that no report had been filed, and no further motions for extension of time to complete the report had been filed. Thus, the undersigned set a hearing for Wednesday, September 4, 2013 to determine the status of the mental health evaluation. At the hearing, counsel for the United States and counsel for the Defendant appeared on the record. Counsel for the Defendant indicated that the expert has failed to respond to counsel's inquiry about the evaluation and whether the report is complete.

Based on the statement of Defendant's counsel,

IT IS HEREBY ORDERED that the expert shall, no later than **September 17, 2013**, show cause why the report of the evaluation has not been provided to Defendant's counsel pursuant to the Order of April 9, 2013 [ECF No. 54] which states in pertinent part that "the evaluation shall be conducted and a report of relevant findings and conclusions be filed with the court as soon as practicable. . ."

IT IS FURTHER ORDERED that a hearing be set in this matter on **Wednesday, September 18, 2013 at 10 a.m.** in Courtroom 15-South.

IT IS FINALLY ORDERED that a copy of this order be mailed to the expert as follows:

Richard Scott, Ph.D
621 S. New Ballas Road, Suite 112A
St. Louis, MO 63141

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 4th day of September, 2013.